

CARLOS SALINAS §
v. § CIVIL ACTION NO. 9:09cv22
DIRECTOR, TDCJ-CID §

The Petitioner Carlos Salinas, proceeding *pro se*, filed this application for the writ of habeas corpus complaining of the legality of prison disciplinary action taken against him. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Salinas says that he was convicted of the disciplinary offense of possession of a weapon, receiving punishments of 45 days of commissary restriction, 15 days of cell restriction, reduction in classification status, and the loss of 180 days of good time credits. He complained that he was also reduced in administrative segregation level, which he says was done after he had already been punished in the disciplinary proceeding, and that the disciplinary case will delay his consideration for release on parole. Salinas acknowledges that he is not eligible for release on mandatory supervision.

After review of the pleadings, the Magistrate Judge issued a Report on February 4, 2009, recommending that the petition be dismissed and that Salinas be denied a certificate of appealability *sua sponte*. The Magistrate Judge concluded that Salinas had failed to show the deprivation of a constitutionally protected liberty interest. Salinas received a copy of the Magistrate Judge's Report on February 6, 2009, but filed no objections thereto; accordingly, he is barred from *de novo* review

by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. It is accordingly

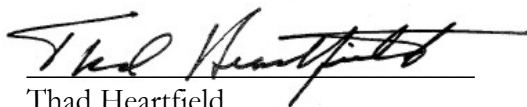
ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus be and hereby is DISMISSED with prejudice. It is further

ORDERED that the Petitioner Carlos Salinas is hereby DENIED a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

SIGNED this the **16** day of **March, 2009**.


Thad Heartfield
United States District Judge